



**Petition No. CU11-08**

HEARING & MEETING DATES			
Design Review Board Meeting	Neighborhood Meeting	Planning Commission Hearing	Mayor and City Council Hearing
	1/19/12	2/21/12	3/12/12
APPLICANT/PETITIONER INFORMATION			
Property Owner	Petitioner	Representative	
Fulton-Dekalb Hospital Authority	Ammad Bin Ata	NA	
PROPERTY INFORMATION			
Address, Land Lot, and District	1200 Grimes Bridge Road, Land Lot 487		
Frontage and Area	247.84 feet; 2.036 acres		
Existing Zoning and Use	C-3 (Highway Commercial); vacant old post office building		
Overlay District	Citywide Design Guidelines		
2030 Comprehensive Plan; Future Development Map	Highway 9 Alpharetta Highway Commercial Corridor		
Proposed Zoning	Conditional use request for a used auto dealership		
INTENT			

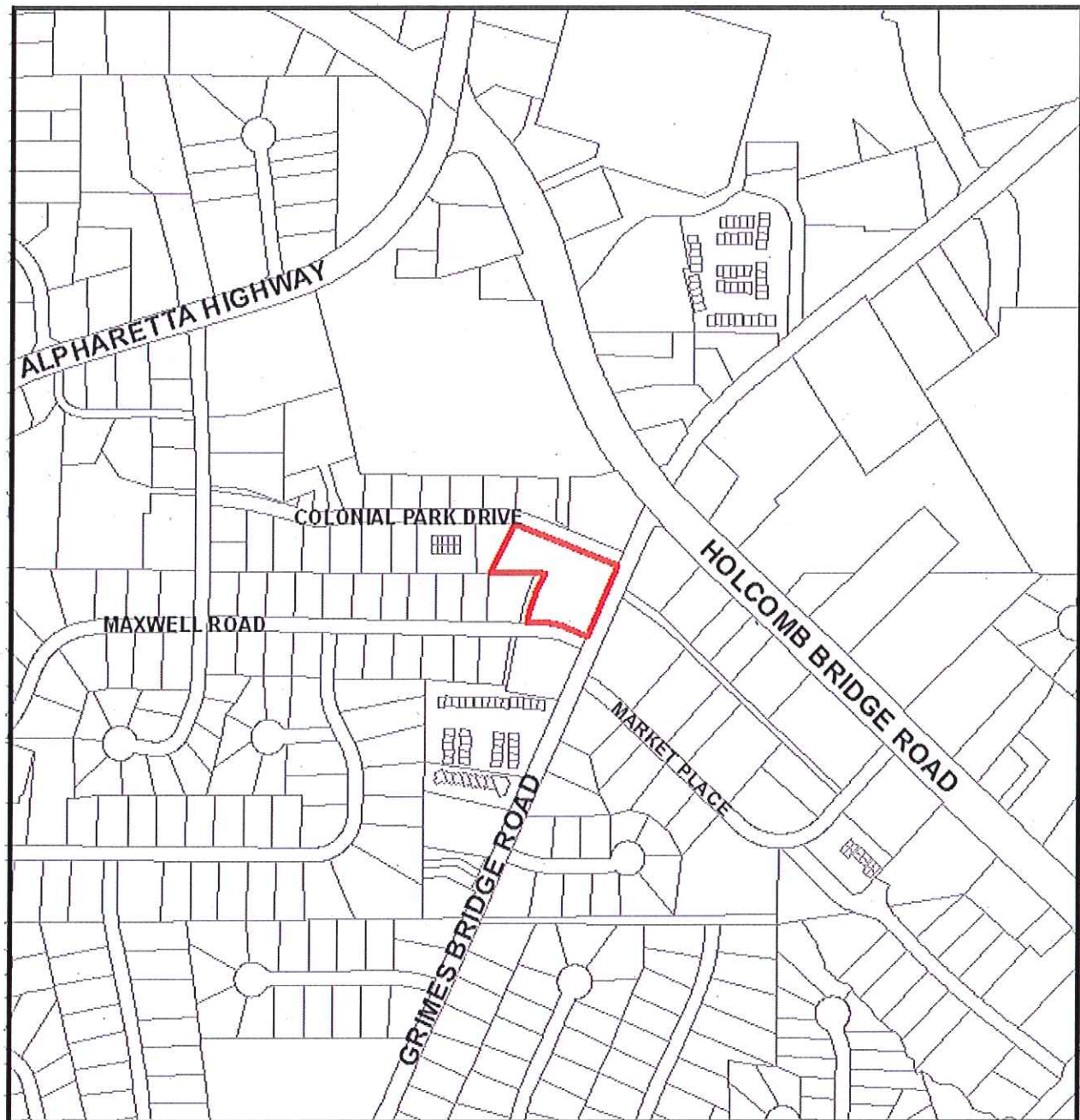
The applicant is requesting a conditional use to use the existing building and property for a used auto dealership.

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

**CU11-08 - Denial**


## PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended denial of this conditional use request during their February 21, 2012 public hearing.



1 in = 500 ft

## Location

 1200 Grimes Bridge Road

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## **STAFF RECOMMENDED CONDITIONS**

It is recommended that this application for conditional use CU11-08 be denied. The application is being recommended for denial due to the following reasons.

1. The quit claim deed which the City of Roswell entered into the agreement with Grady Hospital and its successors relating to the sale of this building prohibited certain uses on the property. One of the uses prohibited is auto sales establishments.
2. Inappropriate use of the property in the current layout and design of the building and parking area.
3. Side streets off of major thoroughfares are inappropriate locations for this type of business.

Should the Mayor and City Council approve the conditional use application then the following conditions shall be placed on the property.

1. The property shall be used in accordance with the site plan submitted on November 17, 2011.
2. There shall be no offsite parking for the used automobiles. All cars must be parked on the property.
3. All delivery of vehicles shall be off loaded on the property and not in the street.
4. There shall be no test driving of vehicles in the neighborhood streets.
5. The occupancy of the building shall require a complete upgrade of fire, building, stormwater and all landscaping requirements prior to a certificate of occupancy.
6. The applicant shall submit plans to the Design Review Board for all exterior changes to the site.
7. The applicant must comply with Articles 15 and 16 of the Roswell Zoning Ordinance in relation to all landscaping and tree requirements.

## BACKGROUND

The property is zoned C-3 (Highway Commercial). This property was formally the United States Postal office. It was bought by the City of Roswell. The City sold it to Grady Hospital in 2006. The quitclaim deed with the sale of the property lists 14 prohibited uses on the property. The prohibited uses listed in the quitclaim deed are as follows: (a) animal hospital and veterinary clinics; (b) automobile sales and establishments; (c) automobile service establishments; (d) bed and breakfast inns; (e) big box retail, new buildings; (f) car washes; (g) commercial recreational outdoor facilities; (h) contractor's establishments; (i) convenience stores with or without fuel pumps; (j) dwellings, single family detached; (k) helicopter landing areas; (l) instrument assembly and manufacturing; (m) open storage yards; and (n) service and fuel filling stations.

## EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION CU11-08	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	Density (Square Footage per Acre)
	NA	Used auto establishment	2.036		6,254 SF per acre
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
North	C-3	Bank	1.8 acres	5,404 SF	3,002 SF per acre
South	C-2	Eye clinic office building	.93 acres	9,330 SF	10,032 SF per acre
East	C-3	Strip shopping center and a Shell station and food mart	1.8 acres and .92 acres	17,799 SF and; 6,989 SF	9,888 SF per acre and; 7,596 SF per acre
West	O-P and R-2	Office and single family residential homes	.37 acres and .86 acres	10,000 SF and; 2 homes	2,702 SF per acre and; 2.32 units per acre





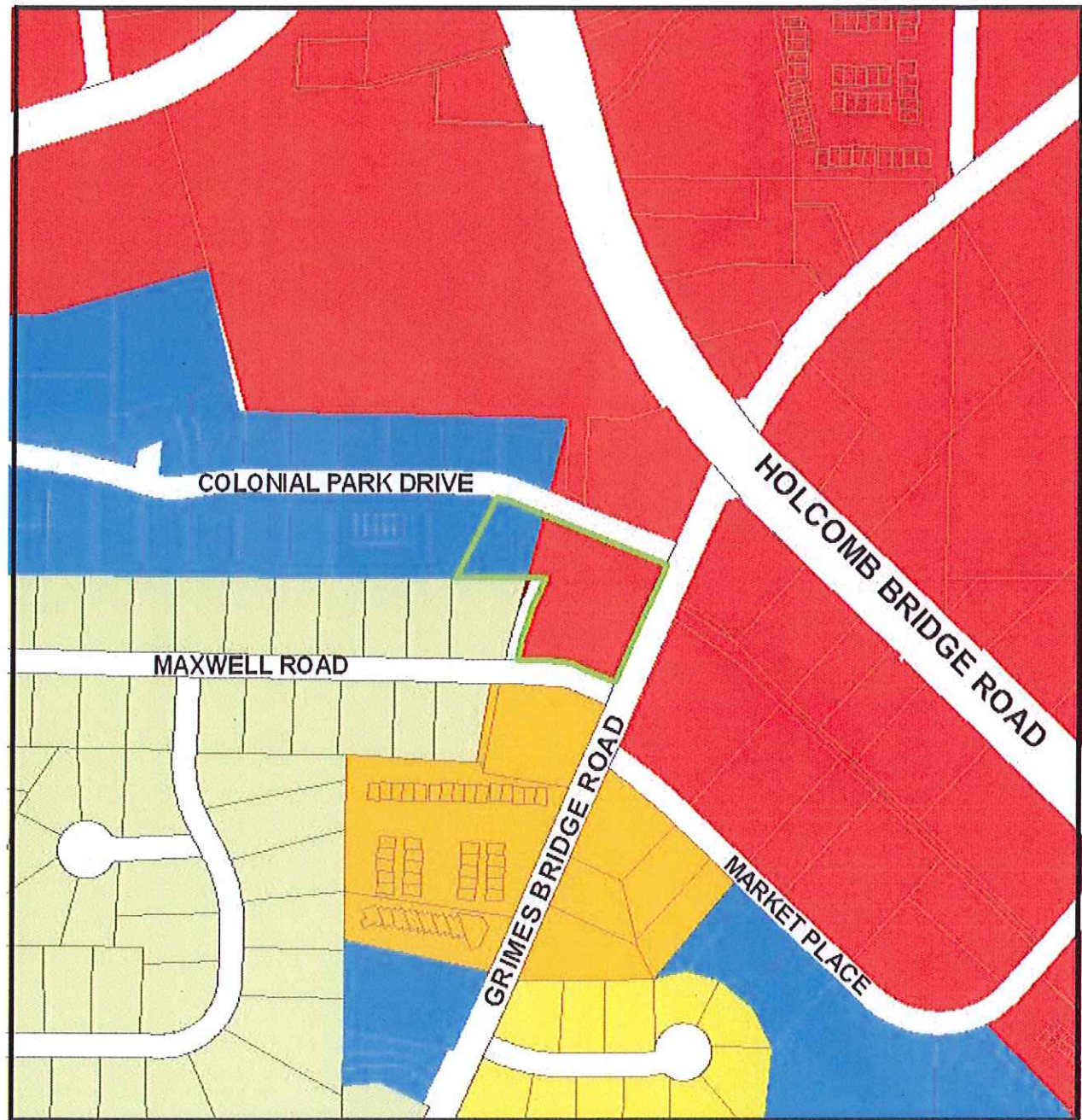
1 in = 200 ft

Aerial

1200 Grimes Bridge Road

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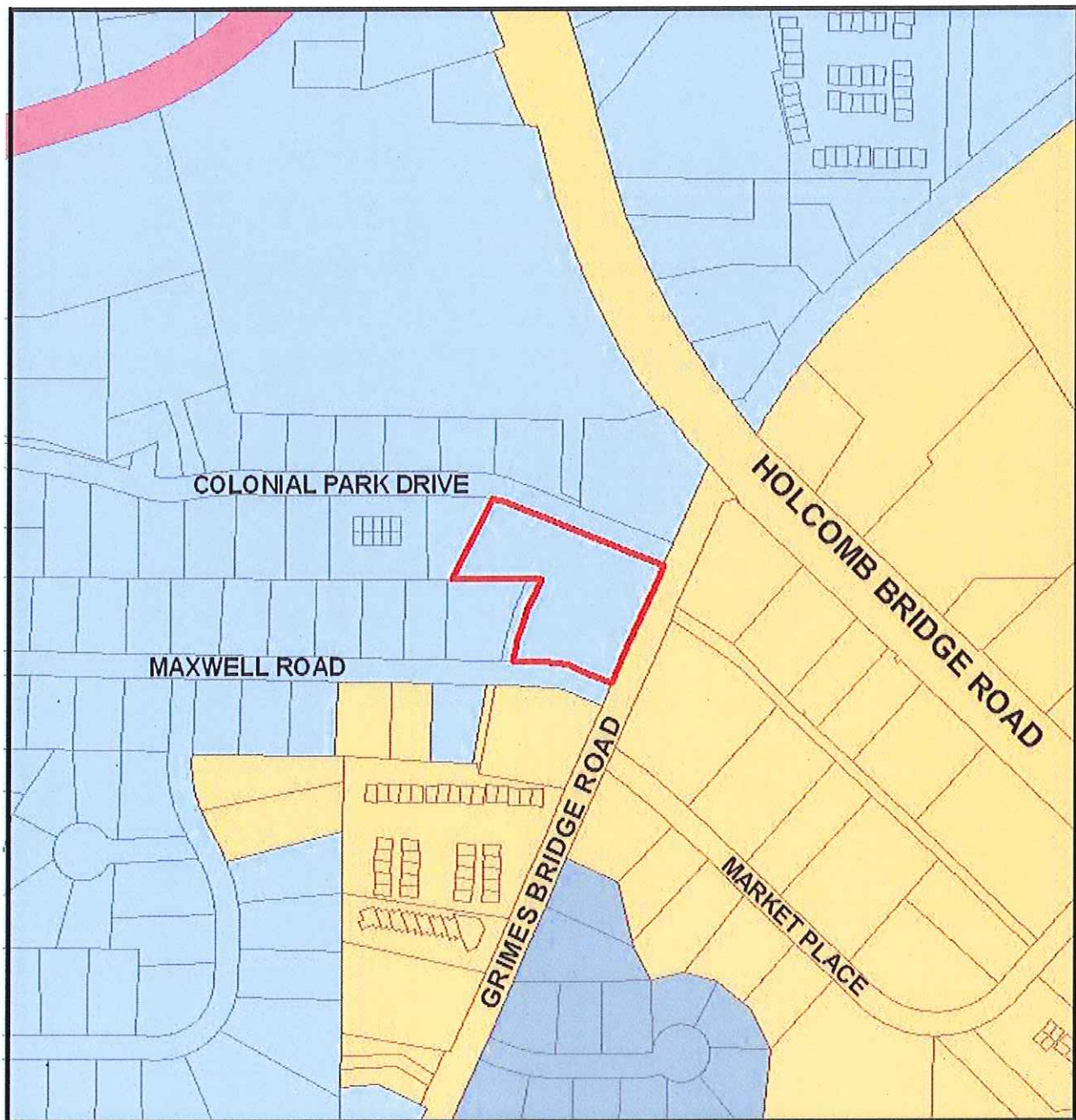
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## Zoning

- 1200 Grimes Bridge Road
- C-2 - Neighborhood Commercial District
- C-3 - Highway Commercial District
- O-P - Office - Professional District
- R-2 - Single-Family Residential District
- R-3 - Multi-Family Residential District

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## Future Development

- 1200 Grimes Bridge Road
- Future Development Category**
- GA 400/Holcomb Bridge Node
- Highway 9/Alpharetta Highway Corridor Commercial
- Historic Area Town Center/Downtown
- Suburban Residential

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View of property



View of property



View of the back of the property



View of the side of the property





View of bank



View of the Shell convenience food mart



View of Eye clinic office building



View of strip shopping center





View of back of property abutting single family



View of office building to the



View of the property



View of the property





## NOTICE OF PUBLIC HEARING

Petition No: **Conditional Use - CU11-08**

Petitioner: **GB Motors, LLC, dba  
Versatile Collection**

Location: **1200 Grimes Bridge Rd.**

Land Lot: **487**

Request: **Conditional Use request for the purpose of  
using the facility as a used automobile sales  
establishment.**

Public Hearings: **Neighborhood Mtg. - Jan. 19, 2012  
(Room 220) 7:00 p.m.**

**Planning Commission - Feb. 21, 2012  
(Council Chamber) 7:00 p.m.**

**Mayor & City Council - Mar. 12, 2012  
(Council Chamber) 7:00 p.m.**

Location: **ROSWELL CITY HALL,  
38 HILL STREET, ROSWELL, GA**

**For more information contact the Planning & Zoning Office, 38 Hill St.,  
Ste. G-30, Roswell, GA (770) 641-3774 or [www.roswellgov.com](http://www.roswellgov.com)**



### **SITE PLAN ANALYSIS**

The plan shows the existing one-story building containing 12,733 square feet. There are 102 parking spaces on the property. The applicant plans to park used cars on the property. Since this property was originally owned by the Federal Government, the City did not have jurisdiction at that time to require landscaping and buffers abutting residentially zoned property. A C-3 zoning district abutting a residential zoning district requires a forty (40) foot buffer. The applicant should be required to maintain a forty (40) foot buffer abutting the R-2 zoning district.

### **DRB/HPC comments and Design Guidelines**

Not applicable

### **LANDSCAPE PLAN ANALYSIS**

The applicant will have to comply with Articles 15 and 16, of the City of Roswell Zoning Ordinance. The current site is non-conforming with the current landscaping requirements and will require substantial upgrades dealing with tree planting and landscaping strips.

### **VARIANCE CONSIDERATIONS**

Not applicable

## DEPARTMENT COMMENTS

City of Roswell Environmental Department	Please provide additional information. Will any revisions be made to the parking lot? Any disturbance? Will auto repair be part of the use?
City of Roswell Engineering Division	<ol style="list-style-type: none"><li>1. As part of conditional use approval, it is recommended that the applicant provide a site plan showing all improvements that will be made to the property prior to CU approval.</li><li>2. Because of the nature of used cars to leak fluids, it is recommended that the applicant provide water quality treatment for all runoff from impervious surfaces for vehicles parked for sale.</li><li>3. Location appears to be located in a groundwater recharge area and therefore will not be allowed to use above ground tanks for fuel storage.</li><li>4. Sitework must comply the Erosion Sediment and Pollution Control Ordinance Article 7.3. if land disturbance exceeds 5,000 square feet.</li><li>5. Require that the dumpster pad be tied into the sanitary sewer, if not already, and reconstructed as needed to comply with current standards.</li></ol> <p>Note that impact fee shall be based upon the net increase in the fee for the new use as compared to the previous use per Section 24.3.2. All proposed sitework shall comply with City Construction Standards per Article 7.0.</p>
Fiscal Impact	Not applicable
Archaeological	Not applicable
City of Roswell Fire Department	<p>I do not have issue with the use, however, this use to be a Post Office and because of that, the building was not under our jurisdiction. If this building is going to be used as a car dealership, the occupancy type will change from business to mercantile and MAY require a fire sprinkler system.</p>
City of Roswell Transportation Department	<ol style="list-style-type: none"><li>1. Provide a car delivery truck routing plan. Show how the truck will access the site, unload the cars and exit the site safely. Transportation recommends using software such as Auto turn.</li><li>2. The existing curb cuts/driveways shall be brought to the City latest standards. Section 2.1.6 of the City Standard Construction Specifications.</li><li>3. Sidewalk and appropriate ADA ramps shall be provided as per the City code. After issuance of the Land Disturbance Permit, obtain right-of-way encroachment permit from Transportation Department utility coordinator John Wooten at 770-594-6108 (direct) 6420 (Main)</li></ol>
Georgia Department of Transportation	Not applicable
City of Roswell Arborist & Landscape Architect	<p>Final approval pending LDP. Comply with all applicable section of Articles 15 &amp; 16 in the Zoning Ordinance.</p>



## CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original plans submitted on November 17, 2011.

### STANDARDS OF REVIEW

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*1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

A used car establishment is not a suitable use at this location. A deed agreement between the City of Roswell and the Fulton-Dekalb Hospital Authority formally Grady Hospital indicated that one of the prohibited uses for this site is an automobile sales establishment.

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*2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*

A used car establishment may adversely affect the existing and nearby properties. There are no other auto dealerships in the vicinity. There is some office, retail and residential.

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*3. Whether the property to be affected by the zoning proposal may have reasonable economic use as currently zoned.*

The property is currently zoned C-3 (Highway Commercial) and there are many C-3 uses that are permitted by right at this location.

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*4. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.*

A used car establishment may result in more traffic on the side streets near this property. Colonial Park Drive contains office uses and Maxwell Road contains single family homes.

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*5. Whether the zoning proposal is in conformity with the policies and intent of the 2030 Comprehensive Plan.*

The property is located in the Highway 9 Alpharetta Highway Commercial Corridor. This character area indicates that the southern portion of the area will follow the vision established by the Midtown Roswell LCI, which is to create a mixed-use, pedestrian friendly corridor and activity center that builds a better sense of community. One of the quality community objectives within this character area are for business appropriateness which states that adaptive re-use creates new employment options and new businesses. This type of use is incompatible with the objectives in this character area.

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*6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*

The supporting grounds listed for the denial of this proposed request is that the quitclaim deed signed by the City of Roswell and the Grady Hospital system prohibited this use on the property.

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*7. Existing use(s) and zoning of subject property.*

The building is vacant and the zoning of the property is C-3 (Highway Commercial).

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*8. Existing uses and zoning of nearby property. (See page 5).*



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*9. An explanation of the existing value of the property under the existing zoning and/or overlay district classification.*

Not required for a conditional use.

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*10. Whether the property can be used in accordance with the existing regulations.*

Not required for a conditional use.

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*11. The extent to which the property value of the subject property is diminished by the existing zoning district and/or overlay district classification.*

Not required for a conditional use.

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*12. The value of the property under the proposed zoning district and/or overlay district classification.*

Not required for a conditional use.

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*13. Suitability of the subject property under the existing zoning district and/or overlay district classification for the proposed use.*

The property is zoned C-3 (Highway Commercial). A used car establishment is considered a conditional use in the C-3 district. A conditional use is a "use that would not be appropriate generally or without restriction throughout the particular zoning district and is not automatically permitted by right within a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, maybe found to be compatible and approved by the governing body within a particular zoning district as provided in certain instances by this ordinance."

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*14. The suitability of the subject property under the proposed zoning district and/or overlay district classification.*

Not required for a conditional use.

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*15. The length of time the property has been vacant or unused as currently zoned.*

Not required for a conditional use.

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*16. A description of all efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district and/or overlay district.*

Not required for a conditional use.

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*17. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.*

Not required for a conditional use.

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*18. Possible effects of a change in zoning or overlay district map, or change in use, on the character of a zoning district or overlay district.*

The surrounding area hosts offices, some commercial and single family homes. A used car establishment would change the character of this area.

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*19. Whether the proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.*

An appraisal would be required to determine whether a used car establishment would be a deterrent to the value of the adjacent properties.

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*20. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.*

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Since the property was originally owned and operated by the United States Postal Service, the City of Roswell did not have jurisdiction regarding any improvements to the property related to drainage and stormwater. The applicant will have to comply with the stormwater management plan and any engineering requirements that may be needed.

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*21. The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will carry out the purposes of these zoning regulations.*

A used car establishment is prohibited on this property based on the quitclaim deed signed between the City of Roswell and Grady Hospital.

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*22. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight. In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.*

The southwest section of the property abuts a single family residential neighborhood. There are some trees located in this area; however, the buffer requirements normally associated with a commercial property abutting residential did not apply due to this property originally being owned by the Federal Government. Should a conditional use be approved for this site, the applicant shall comply with the landscaping and buffer requirements of the Roswell Zoning Ordinance.

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*23. The amount of undeveloped land in the general area affected which has the same zoning or overlay district classification as the map change requested.*

Not required for a conditional use.